

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SUZANNE PERKINS,

11 Plaintiff,

v.

12 SOCIAL SECURITY COMMISSIONER,

13 Defendant.

CASE NO. C16-0215-JCC

ORDER

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15 This matter comes before the Court on Plaintiff's unopposed motion for attorney fees  
16 pursuant to 42 U.S.C. § 406(b) (Dkt. No. 17). Plaintiff's attorney has requested \$9,960.00 for her  
17 representation of Plaintiff in federal court. (*Id.* at 1.) For the foregoing reasons, the Court  
18 GRANTS the motion.

19 **I. DISCUSSION**

20 Under § 406(b), a court entering judgment in favor of a social security disability  
21 insurance claimant who was represented by an attorney "may determine and allow as part of its  
22 judgment a reasonable fee for such representation, not in excess of 25 percent of the total of the  
23 past-due benefits to which the claimant is entitled by reason of such judgment." In determining  
24 whether to grant a § 406(b) fee request, the court must first ensure that the requested fee is  
25 consistent with the contract between the plaintiff and their attorney. *See Crawford v. Astrue*, 586  
26 F.3d 1142, 1148 (9th Cir. 2009) (citing *Gisbrecht v. Barnhart*, 535 U.S. 789, 808–09 (2002)).

1 The court must then test the requested fee for reasonableness. *Id.* (citing *Gisbrecht*, 535 U.S. at  
 2 808). The court has broad discretion to decide if a fee request is reasonable or to adjust a fee  
 3 downward if the request is unreasonable. *See Gisbrecht*, 535 U.S. at 808.

4 Here, the request of Plaintiff's attorney is appropriate under § 406(b). Plaintiff is entitled  
 5 to past-due benefits totaling over \$100,000.00. (Dkt. No. 17 at 6.) Plaintiff's attorney has  
 6 requested an award of \$9,960.00 in attorney fees. (*Id.* at 1.) This figure is significantly lower  
 7 than the statutory cap and the 25 percent that Plaintiff agreed to pay her attorney. (*See* Dkt. No.  
 8 17-4 at 1.) Furthermore, the effective hourly rate of Plaintiff's attorney is less than those  
 9 approved by other courts in such actions, properly accounts for the risks involved in social  
 10 security litigation, and is reasonable in light of the efficient and effective representation provided  
 11 by Plaintiff's attorney. *See Shubin v. Colvin*, 2015 WL 233243, slip op. at 2 & n.2 (C.D. Cal.  
 12 2015) (observing that courts often approve hourly fees in excess of \$1,000); *Hayes v. Sec. of*  
 13 *Health & Human Servs.*, 923 F.2d 418, 422 (6th Cir. 1990) (remarking on the fact that effective  
 14 hourly rates in social security cases are higher than normal given then inherent risks in such  
 15 cases). Accordingly, the Court AWARDS attorney fees totaling of \$9,960.00 to Plaintiff's  
 16 attorney pursuant to 42 U.S.C. § 406(b).

## 17 II. CONCLUSION

18 For the foregoing reasons, Plaintiff's motion for attorney fees (Dkt. No. 17) is  
 19 GRANTED. Plaintiff's attorney is AWARDED attorney fees totaling \$9,960.00. Defendant is  
 20 DIRECTED to send a fee of \$9,960.00 to Plaintiff's attorney, minus any applicable processing  
 21 fees as allowed by statute. On receipt of payment of the fee, Plaintiff's attorney is directed to  
 22 refund to Plaintiff any amount of fees that Plaintiff's attorney received under the Equal Access to  
 23 Justice Act, 28 U.S.C. § 2412.

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1 DATED this 19th day of June 2020.  
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John C. Coughenour  
UNITED STATES DISTRICT JUDGE